



DEC 17 2013

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Numbers: 7005 3110 0000 5967 8183**

Rabbi Wolf Gluck, Administrator  
UTA of KJ, Inc.  
P.O. Box 477  
Monroe, New York 10949

Re: **Administrative Compliance Order CWA-02-2014-3025 and Request for Information  
United Talmudical Academy of Kiryas Joel, Beth Rachel School, Israel Zupnick Drive  
Village of Kiryas Joel, NY  
NPDES Unpermitted Tracking Number: NYU006986**


Dear Rabbi Gluck:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that the subject facility is in violation of the Clean Water Act (33 U.S.C. §1251 *et seq*) ("CWA" or "Act") for State Pollutant Discharge Elimination System ("SPDES") violations as described in the findings of this ORDER. Enclosed are two (2) originals of the Information Request and Administrative Compliance Order (together the "Order"), issued pursuant to Sections 308 and 309 of the Act, which detail the findings. Also enclosed is the EPA Inspection report with accompanying photographs for the inspection conducted by EPA on August 28, 2013.

Please acknowledge receipt of this ORDER on one of the originals and return it to EPA by mail in the enclosed envelope. Failure to comply with the enclosed ORDER may subject the facility to civil/criminal penalties pursuant to Section 309 of the Act. Failure to comply with this ORDER shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

If you have any questions regarding this ORDER, please contact Ms. Justine Modigliani, Chief, Compliance Section, at (212) 637-4268, or Mr. Murray Lantner, P.E., Environmental Engineer (212) 637-3976.

Sincerely,

  
Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

Enclosures  
Administrative Order  
EPA Reconnaissance Inspection Report from August 28, 2013 inspection

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)

cc: Joe DiMura, P.E., Director, Bureau of Water Compliance Programs, NYSDEC  
Gedalye Szegedin, Administrator, Village of Kiryas Joel  
Joseph S. Scarmato, Esq. for UTA of KJ via email  
James Feury, P.E., AFR Engineering and Land Surveying, P.C. via email  
Adedayo Adewole, NYSDEC Region 3, Via Email



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

**IN THE MATTER OF:**

UTA of KJ, Inc.  
P.O. Box 477, Monroe, NY 10949  
55 Forest Road, Monroe, NY 10950

**RESPONDENT**

Site: United Talmudical Academy of Kiryas Joel  
(UTA of KJ), Beth Rachel School, Israel Zupnick  
Drive, Kiryas Joel, NY 10950

NPDES Tracking No. NYU006986

Proceeding pursuant to Sections 308 and 309(a) of  
the Clean Water Act, 33 U.S.C. §§1318 and 1319(a)

**INFORMATION REQUEST AND  
ADMINISTRATIVE COMPLIANCE  
ORDER**

CWA-02-2014-3025

**A. LEGAL AUTHORITY**

The following Information Request and Administrative Compliance Order (together the "Order") are issued pursuant to Sections 308(a) and 309(a) of the Clean Water Act ("CWA"), respectively 33 U.S.C. §§ 1318(a) and 1319(a). These Authorities have been delegated by the Administrator of the United States Environmental Protection Agency, ("EPA") to the Regional Administrator, EPA Region 2 and further delegated to the Director of the Division of Enforcement and Compliance Assistance, EPA Region 2.

1. Section 301(a) of the CWA, 33 U.S.C. § 1311 (a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation ("NYSDEC") is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). Under this authority, a State Pollutant Discharge Elimination System ("SPDES") permit is required to be issued to facilities by the NYSDEC for the discharge of pollutants from a point source to a navigable water of the United States. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.

3. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include an individual, corporation, partnership, association or municipality.
4. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
5. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged to water.
6. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
7. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), to include the waters of the United States.
8. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: establish and maintain such records; make such reports; install, use and maintain such monitoring equipment; sample such effluents; and provide such other information as may reasonably be required to carry out the objective of the CWA.
9. Section 309(a) of the CWA, 33 U.S.C. § 1319(a) authorizes the Administrator to issue and order requiring compliance or commence a civil action when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, or in violation of any permit condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.
10. Section 402(p) of the CWA, 33 U.S.C. § 1342(p) sets forth the requirements for the issuance of NPDES permits for the discharges of stormwater.
11. Pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p), EPA promulgated regulations at 40 C.F.R. § 122.26 setting forth the NPDES permit requirements for stormwater discharges associated with construction activity, including, but not limited to, stormwater discharges associated with small construction activity for sites equal to or greater than 1 acre or part of a common plan that is greater or equal to 1 acre.
12. "Owner or operator" is defined by 40 C.F.R. § 122.2 as owner or operator of any "facility or activity" subject to regulation under the NPDES program.
13. NYSDEC issued the construction general permit ("CGP") or SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), which became effective on January 29, 2010 and expires on January 28, 2015 (hereinafter "CGP" or "Permit").
14. Under 40 C.F.R. §§ 122.26(b)(14)(x), (15)(i), and (15)(ii), permit coverage is required for discharges of stormwater associated with construction activity for sites equal to or greater than 1 acre or part of a common plan that is greater or equal to 1 acre. As required by Sections 301 and

402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and Part II.B.1 of the CGP, the owner or operator must have coverage under a SPDES permit prior to commencing construction activity.

15. Part I.A.1 of the CGP authorizes stormwater discharges to surface waters of the State from the following construction activities identified within 40 C.F.R. §§ 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided the following is met: construction activities involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land; excluding routine maintenance activity that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
16. Operators regulated under 40 C.F.R. § 122.26(b)(14)(x) or 40 C.F.R. § 122.26(b)(15)(i) may seek CGP coverage by filing a Notice of Intent ("NOI") form under the terms and conditions of Part II of the CGP.
17. Part II of the CGP requires that an owner or operator develop a stormwater pollution prevention plan ("SWPPP") in accordance with the applicable requirements and then file a completed NOI form to obtain permit coverage and fulfill all of the requirements of Part II.A and B of the CGP. The owner must not commence construction activity until coverage under the CGP is obtained.
18. Appendix A of the CGP defines the following terms:
  - a. "Construction activity(ies)" is defined as the grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.
  - b. "Commencement of construction activities" is defined as the initial disturbance of soils associated with clearing, grading, excavation activities or other construction activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP.
  - c. "Discharge" is defined as any addition of any pollutant to waters of the State through an outlet or point source.
  - d. "Larger common plan of development or sale" is defined as a contiguous area where multiple separate and distinct construction activities are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common" plan of development.



- e. "Owner or Operator" is defined as the person, persons or legal entity which owns or leases the property on which the construction activity is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.
- f. "SPDES" is defined as State Pollutant Discharge Elimination System, the system established pursuant to Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

## **B. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Director makes the following findings of fact and conclusions of law:

1. UTA of KJ, Inc. ("UTA of KJ" or "Respondent") owns private schools and is a "person" as that term is defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
2. UTA of KJ owns or operates a construction site (United Talmudical Academy of Kiryas Joel Beth Rachel School Addition) located on or near Israel Zupnick Drive in the Village of Kiryas Joel, New York ("Site"). The Orange County Tax Maps for the Village of Kiryas Joel denote that the parcel where construction activity is taking place is owned by the United Talmudical Academy of Kiryas Joel, Inc. (See Attached Map 308)
3. On August 28, 2013 EPA conducted a Reconnaissance Inspection ("Inspection") (See Enclosed Inspection Report) at the Site during a rain event. As a result of the Inspection, EPA identified that construction activity is occurring on one (1) or more acres of land located at the Site.
4. During the Inspection, EPA identified that, among other things, clearing, grading, excavation and stockpiling activities have occurred at the Site.
5. During the Inspection, the EPA inspectors observed a turbid discharge of stormwater coming from the Site and discharging into Tributary No. 25, a tributary of Ramapo River, a water of the United States, pursuant to Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
6. The CGP issued pursuant to the code of federal regulations for stormwater discharges at 40 C.F.R. § 122.26(b)(14)(x), 40 C.F.R. § 122.26(b)(15)(i), along with Part I.A. of the CGP, and corresponding state regulations, is applicable to this Site since clearing, grading and/or excavation activities are equal to or greater than one (1) acre of total land area.
7. EPA reviewed the NYSDEC CGP database and the Site is not listed as having CGP coverage as required.
8. EPA concluded during the Inspection that UTA of KJ did not obtain CGP coverage as required by Part II of the CGP, 40 C.F.R. § 122.26, and Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p).
9. At all times relevant to this Order, the construction Site is a "point source" that "discharges pollutants," as defined by Sections 502(14) and (12) of the CWA, 33 U.S.C. §§ 1362(14) and (12).

10. Respondent discharges stormwater associated with industrial activity, a "pollutant" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), via the Site, "point source" within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to the Ramapo River, a "navigable water" of the United States pursuant to Section 502(7) of the Act, 33 U.S.C. § 1362(7), and as such, discharges pollutants pursuant to Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
11. Respondent failed to develop a SWPPP or to submit a completed NOI form in accordance with the CGP as required by Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.
12. Respondent failed to obtain Permit coverage prior to the start of industrial/construction activity at the Site in accordance with the CGP as required by Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.
13. Based upon the above paragraphs, the EPA finds that Respondent has violated Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, for its unpermitted discharges from the Site and for failing to obtain the CGP prior to commencement of construction activity.

### **C. REQUESTED INFORMATION**

Based on the Findings of Fact and Conclusions of Law, above, and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), the Respondent is required to report the following to EPA in writing:

1. Within thirty (30) calendar days of receipt of this Order, submit a written explanation containing the reason for not obtaining CGP coverage as required.
2. Within thirty (30) calendar days of receipt of this Order submit the date when construction activity began at the Site.
3. Within forty-five (45) calendar days of receipt of this Order, Respondent shall submit a report containing the amount of time and associated costs (including but not limited to, SWPPP development, SWPPP implementation, stormwater management controls, labor, operations and maintenance, installation, Site inspections, etc.) which were required to achieve compliance with the CGP.

### **D. ORDERED PROVISIONS**

Based on the Findings of Fact and Conclusions of Law above, and pursuant to the authority of Section 309(a) of the CWA, 33 U.S.C. § 1319(a), Respondent is hereby ORDERED to do the following:

1. Immediately upon receipt of this Order, Respondent and any other owners, operators and/or contractors shall cease and desist all construction activities (as defined in the CGP, Appendix A) at the Site. UTA of KJ shall submit a certification stating that construction activities at the Site have ceased as of the date of receipt of this Order. The certification shall be submitted to EPA no later than five (5) calendar days from the date of receipt of this Order.
2. Within fifteen (15) days of receipt of this Order, Respondent, in order to mitigate its turbid discharges, shall install appropriate interim stormwater best management practices ("BMPs")



and conduct temporary stabilization (defined in Appendix A – Definitions of the CGP) of the Site and submit written certification and photographic documentation of such.

3. Within fifteen (15) days of receipt of this Order, Respondent shall have Qualified Site Inspections, in accordance with Part IV.C. of the CGP, conducted on a weekly basis and submit a copy of the Qualified Site Inspection reports to EPA within 7 days of conducting the Qualified Site Inspection.
4. Respondent and any other owners, operators, and/or contractors are authorized to carry out the activities required by this Order, including but not limited to the following, unless it fails to comply with the CGP, or risks or harms a threatened or endangered species as described in Part I.D.4 of the CGP:
  - a. Provide temporary stabilization to slopes and other areas where construction activities have temporarily ceased, as required by the CGP;
  - b. Provide final stabilization to slopes and other areas where construction activities will no longer be performed, as required by the CGP;
  - c. Construct and/or install erosion and stormwater management and waste management controls, as required by the CGP; and
  - d. Continue activities at the Site that do not involve construction activities as defined in the CGP, Appendix A.
5. Within thirty (30) calendar days of receipt of this Order, Respondent shall submit to EPA a complete and thorough SWPPP for the construction Site. The SWPPP shall be based on the best engineering practices for the control of erosion at the Site and for protection of waters of the United States. The SWPPP shall comply with all conditions and requirements of the CGP. UTA of KJ shall submit to EPA the following certification:

“I certify under Penalty of Law that UTA of KJ has developed and implemented a Stormwater Pollution Prevention Plan for the subject UTA of KJ Site that is in full compliance with all the requirements of the Construction General Permit and has implemented all the specified and required control measures and schedules for construction activities. The requirements of the SWPPP and the Construction General Permit are being fully implemented under my direction and supervision on *[Insert Date]* and the United Talmudical Academy of Kiryas Joel Site is in compliance with the CGP.”
6. Should EPA notify UTA of KJ of SWPPP deficiencies, within seven (7) calendar days of such notification (or as otherwise provided in the notification), UTA of KJ shall make the required changes to the SWPPP and shall submit to EPA the following certification:

“I certify under penalty of law that “name of operator” made the requested changes to the SWPPP document in accordance with the SWPPP measures, controls and schedules, under my direction or supervision.”

7. The UTA of KJ and any other owners, operators, or contractors may re-commence construction once CGP coverage is obtained and the following written certification is submitted:

"I certify under Penalty of Law that UTA of KJ has submitted a complete NOI for the United Talmudical Academy of Kiryas Joel Site on *[Insert Date]*, received coverage under the CGP on *[Insert Date]* and received SPDES Permit Number *[Insert Permit Number]*.

The UTA of KJ can check the status of the Permits by contacting the NYSDEC, Division of Water, 625 Broadway, Albany, NY 12233-3505; (518)-402-8111.

#### **E. GENERAL PROVISIONS**

1. Any information or documents to be submitted by Respondent as part of this Order shall, pursuant to 40 C.F.R. § 122.22, be sent by certified mail or its equivalent to:

Justine Modigliani, Chief  
Compliance Section, Water Compliance Branch  
Division of Enforcement and Compliance Assistance  
290 Broadway, 20th Floor  
New York, NY 10007-1866

Joseph DiMura, P.E., Director  
Bureau of Water Compliance Programs  
Division of Water, NYSDEC  
625 Broadway  
Albany, NY 12233-3506

and shall be signed by an authorized representative of Respondent, and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. Immediately upon receipt of the original copies of this Order, a responsible officer of Respondent shall complete and sign the acknowledgment of receipt of one of the originals of the Order and return said original to the following designated Agency representative:



Douglas McKenna, Chief  
Water Compliance Branch, Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency - Region 2  
290 Broadway - 20th floor  
New York, New York 10007-1866  
Tel.: 212-637-4244

3. The Respondent shall have the opportunity, for a period of twenty (20) days from the effective date of this Order, to confer, regarding the Requested Information or Ordered Provisions, with the Agency representative named above, in paragraph E.2.
4. Respondent may seek federal judicial review of the CWA Section 309(a)(3) Compliance Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.
7. Notice is hereby given that failure to comply with the requirements of the CWA Section 308 Information Request may result in your liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by EPA, the United States District Court may impose such penalties if the Court determines that you have failed to comply with the terms of the Information Request. You may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the CWA.
8. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
9. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated: DECEMBER 7, 2013 Signed: \_\_\_\_\_

Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

**IN THE MATTER OF:**

UTA of KJ, Inc.  
P.O. Box 477, Monroe, NY 10949  
55 Forest Road, Monroe, NY 10950

**RESPONDENT**

Site: United Talmudical Academy of Kiryas Joel,  
Beth Rachel School, Israel Zupnick Drive, Kiryas  
Joel, NY 10950

NPDES Tracking No. NYU006986

Proceeding pursuant to Sections 308 and 309(a) of  
the Clean Water Act, 33 U.S.C. §§1318 and 1319(a)

**INFORMATION REQUEST AND  
ADMINISTRATIVE COMPLIANCE  
ORDER**

**CWA-02-2014-3025**

**ACKNOWLEDGMENT OF RECEIPT OF  
INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER**

I, \_\_\_\_\_, an officer at the UTA of KJ, Inc. with the title of,  
\_\_\_\_\_, do hereby acknowledge the receipt of copy of the INFORMATION  
REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER, CWA-02-2014-3025.

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_





		United States Environmental Protection Agency Washington, D.C. 20460 <b>Water Compliance Inspection Report</b>		Form Approved. OMB No. 2040-0057 Approval expires 8-31-98	
<b>Section A: National Data System Coding (i.e., PCS)</b>					
Transaction Code		NPDES		yr/mo/day	
1	N	2	5	3	N Y U 0 0 6 9 8 6 11
				12 1 3 0 8 2 8 17	
				18 R	
				19 R	
				20 2	
Remarks					
2					
Inspection Work Days		Facility Self-Monitoring Evaluation Rating		B1 QA	
6		69		70 U	
				71 72 73 74 7	
<b>Section B: Facility Data</b>					
Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number)  UTA of KJ, Inc. (United Talmudical Academy of Kiryas Joel) Beth Rachel (Girl's School), Israel Zupnick Drive Kiryas Joel, NY 10950				Entry Time/Date	
				08/28/13 2:55PM	
				Permit Effective Date	
				No Permit	
				Exit Time/Date	
				08/28/13 3:20PM	
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)  None				Other Facility Data	
				GPS Coordinates- N41°20.27376', W74°09.82338'  CWA-IR-013-012	
Name, Address of Responsible Official/Title/Phone and Fax Number(s) Rabbi Wolf Gluck, Administrator, UTA of KJ, 55 Forest Road, Monroe, NY, 10950 P.O. Box 477, Monroe NY, 10949				Contacted Yes X No	
<b>Section C: Areas Evaluated During Inspection (Check only those areas evaluated)</b>					
	Permit		Flow Measurement		Operations & Maintenance
	Records/Reports		Self-Monitoring Program		Sludge Handling/Disposal
X	Facility Site Review		Compliance Schedules		Pretreatment
X	Effluent/Receiving Water		Laboratory	X	Storm Water
					CSO/SSO (Sewer Overflow)
					Pollution Prevention
					Multimedia
					Other:
<b>Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)</b>					
See Attached Report					
Name(s) and Signature(s) of Inspector(s) Murray Lantner, P.E., Env. Eng. Thomas Parel, Intern				Agency/Office/Phone and Fax Numbers EPA/WCB/(212) 637-3976/FAX: 637-3953 EPA/WCB/(212) 637-4280	
Signature of Management Q/A Reviewer Justine Modigliani, Chief, Compliance Section				Agency/Office/Phone and Fax Numbers EPA/DECA-WCB/(212) 637-4268/FAX:x3953	
				Date 12/10/13	
				Date 12/12/13	

**INSTRUCTIONS**  
**Section A: National Data System Coding (i.e., PCS)**

**Column 1: Transaction Code:** Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

**Columns 3-11: NPDES Permit No.** Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. (Use the Remarks columns to record the State permit number, if necessary.)

**Columns 12-17: Inspection Date.** Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

**Column 18: Inspection Type\*.** Use one of the codes listed below to describe the type of inspection:

A Performance Audit	U IU Inspection with Pretreatment Audit	! Pretreatment Compliance (Oversight)
B Compliance Biomonitoring	X Toxics Inspection	
C Compliance Evaluation (non-sampling)	Z Sludge - Biosolids	@ Follow-up (enforcement)
D Diagnostic	# Combined Sewer Overflow-Sampling	
F Pretreatment (Follow-up)	\$ Combined Sewer Overflow-Non-Sampling	{ Storm Water-Construction-Sampling
G Pretreatment (Audit)	+ Sanitary Sewer Overflow-Sampling	
I Industrial User (IU) Inspection	& Sanitary Sewer Overflow-Non-Sampling	} Storm Water-Construction-Non-Sampling
J Complaints	\ CAFO-Sampling	
M Multimedia	= CAFO-Non-Sampling	: Storm Water-Non-Construction-Sampling
N Spill	2 IU Sampling Inspection	
O Compliance Evaluation (Oversight)	3 IU Non-Sampling Inspection	~ Storm Water-Non-Construction-Non-Sampling
P Pretreatment Compliance Inspection	4 IU Toxics Inspection	< Storm Water-MS4-Sampling
R Reconnaissance	5 IU Sampling Inspection with Pretreatment	
S Compliance Sampling	6 IU Non-Sampling Inspection with Pretreatment	- Storm Water-MS4-Non-Sampling
	7 IU Toxics with Pretreatment	> Storm Water-MS4-Audit

**Column 19: Inspector Code.** Use one of the codes listed below to describe the *lead agency* in the inspection.

A — State (Contractor)	O — Other Inspectors, Federal/EPA (Specify in Remarks columns)
B — EPA (Contractor)	P — Other Inspectors, State (Specify in Remarks columns)
E — Corps of Engineers	R — EPA Regional Inspector
J — Joint EPA/State Inspectors—EPA Lead	S — State Inspector
L — Local Health Department (State)	T — Joint State/EPA Inspectors—State lead
N — NEIC Inspectors	

**Column 20: Facility Type.** Use one of the codes below to describe the facility.

- 1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 — Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 — Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 — Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 — Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

**Columns 21-66: Remarks.** These columns are reserved for remarks at the discretion of the Region.

**Columns 67-69: Inspection Work Days.** Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

**Column 70: Facility Evaluation Rating.** Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

**Column 71: Biomonitoring Information.** Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

**Column 72: Quality Assurance Data Inspection.** Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

**Columns 73-80:** These columns are reserved for regionally defined information.

**Section B: Facility Data**

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

**Section C: Areas Evaluated During Inspection**

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

**Section D: Summary of Findings/Comments**

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

\*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2  
Division of Enforcement and Compliance Assistance  
Water Compliance Branch  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007

**A. Introduction:**

EPA conducted a Reconnaissance Inspection ("RI") at the construction site for the new auditorium for Beth Rachel Girl School on August 28<sup>th</sup>, 2013. The inspection took place during a rain event. The site is located to the southwest of the buildings of Beth Rachel Girls School. The inspection was conducted by Murray Lantner of EPA's Division of Enforcement and Compliance Assistance, Water Compliance Branch (DECA-WCB) along with EPA intern Thomas Parel.

There is a stream that flows beneath the site in a culvert which then surfaces at the Southern portion of the site. Based upon Kiryas Joel's Municipal Separate Storm Sewer System ("MS4") map this stream is Tributary No. 25, which is a tributary of the Ramapo River.

**B. Non-Compliance Item**

Area measurements were taken by EPA walking a modified (smaller) perimeter of the site using a Garmin eTrex10 GPS unit with a built in area calculator. The area calculated was approximately 0.93 acres. Due to the topography and site condition, EPA couldn't walk the exact perimeter and had to cut some corners or avoid some parts of the site. (See Attachment 2). EPA traced the perimeter of the construction site using Google Earth Pro and estimated that the disturbed area of the site is 1.09 acres not including the debris pile on the southeast side of the site. According to Sections 301 and 402 of the Clean Water Act ("CWA") and 40 CFR §122.26(b)(15)(i) stormwater discharges from construction activities that disturb 1 or more acres or are part of a common plan that will disturb 1 or more acres are unlawful unless they are authorized by a National Pollutant Discharge Elimination System ("NPDES") permit or a state permit program such as the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") program which has developed and promulgated the General Permit for Discharges From Construction Activity ("CGP").

As required by 40 CFR 122.21(b), the owner/operator of the site is responsible for applying for the permit. The operator is the person with operational control over construction plans and specifications, and/or the person who has the day-to-day supervision and control of activities at the construction site. Based upon review of the NYSDEC construction stormwater database, this facility does not have CGP coverage as required by Sections 301 and 402 of the CWA.

**C. Areas of Concern**

- a. During the Reconnaissance Inspection, EPA noted that clear non-turbid stormwater from an outfall located uphill on Meron Drive was discharging onto the northwest

portion of the property. This stormwater has significantly eroded parts of the site prior to flowing through the middle of the site and then to the south west portion of the site. The turbid water pools on the site and before flowing into Tributary No. 25 ("stream") which flows under the site and then surfaces at the southwest portion of the site (See photo 1475). A sediment plume can be seen mixing with the stream and flowing downstream (see photo 1472 & 1473 and Video 1476). Non-turbid stormwater from upland/adjacent sites should be diverted around the construction site so to reduce the stormwater that must be managed through on-site Best Management Practices ("BMPs").

- b. Flow pathways can be seen at several locations at the site carrying turbid water to Tributary No. 25 located down gradient. As evidenced by turbid discharges, the stormwater BMPs employed are ineffective, not maintained and/or inadequate. The silt fences, diversion of stormwater from upland and adjacent areas, and other BMPs need to be properly designed, installed and maintained in order to prevent discharge of sediment from the site (See Attachment 1 Photo or Video 1471 to 1486) .
- c. There is also construction debris stored at the south east portion of the site where the turbid water is pooling. It is possible that some of this debris has ended up in the stream during a heavy rain event. These materials should be stored or discarded properly (See Photos 1472, 1485, and 1486).

#### **ATTACHMENTS**

Attachment 1 – Photographs

Attachment 2 – CD of Photographs and Video collected during the inspection.

Attachment 3 – Path walked by EPA with GPS and also Traced in Google Earth Pro with aerial image when conducting site area measurement.



**Attachment 1- Photographs taken at the construction site for an auditorium for Girls School Kiryas Joel on August 28, 2013. Taken by Murray Lantner, P.E., Environmental Engineer, Nikon Coolpix P510**

<b>Photo ID No.</b>	<b>Photo Date</b>	<b>Photo Description</b>
DSCN1471	8/28/2013	Turbid water discharge off the site has dug in deep flow path towards the stream. The silt fences are doing little to prevent sediment run off. Also debris seen around the site.
DSCN1472	8/28/2013	Sediment plume formed in the stream as a result of the turbid water entering the stream from the site. There are some construction debris seen f in an around the stream.
DSCN1473	8/28/2013	Sediment plume formed as a result of the turbid water entering the stream from the site. There are some construction debris also found in an around the stream. Silt fence in poor condition shown.
DSCN1474	8/28/2013	Channels in the soils at the construction are formed as a result of flowing water from the site. The stormwater flowing across the unstabilized site is brown and turbid and then enters the stream (Tributary No. 25).
DSCN1475	8/28/2013	Pooled water turbid water at the southern end of the site where some of the water from the site pools and then discharges into tributary No. 25.
DSCN1476	8/28/2013	Video showing turbid water discharge from the site into the stream. It also shows the pipe with clear stormwater entering from upgradient of the site and discharging onto the northern portion of the site.
DSCN1477	8/28/2013	A portion of the turbid flow from the western portion of the site flows downgradient to the south and west onto an adjacent property.
DSCN1478	8/28/2013	Turbid flow from the site on the western portion of the UTA of KJ site.
DSCN1479	8/28/2013	Video of turbid water from the western portion of the site flowing downhill.
DSCN1480	8/28/2013	Stormwater ponded/flowing along the west boundary of the construction site. Part of the discharge of clean stormwater from the outfall located north of the site (From Meron Drive) passes through the West side of the site.
DSCN1481	8/28/2013	Ruts filled with water in the center of the site facing northeast.
DSCN1482	8/28/2013	Clean stormwater from Meron Drive on the the north end of the lot causing erosion of soil and additional flow s towards the southern end of the site.



**Attachment 1- Photographs taken at the construction site for an auditorium for Girls School Kiryas Joel on August 28, 2013. Taken by Murray Lantner, P.E., Environmental Engineer, Nikon Coolpix P510**

<b>Photo ID No.</b>	<b>Photo Date</b>	<b>Photo Description</b>
DSCN1483	8/28/2013	Clean stormwater from Meron Drive on the the north end of the lot causing erosion of soil and additional flow s towards the southern end of the site.
DSCN1484	8/28/2013	Clean stormwater pouring out onto the north end of the construction site. Clear signs of erosion present at the site and stormwater flow and turbid flow towards the southern end of the site.
DSCN1485	8/28/2013	Construction debris stored on the south end of the construction site.
DSCN1486	8/28/2013	Turbid water ponded at the south end of the site. This turbid stormwater then flows into the adjacent stream.
DSCN1487	8/28/2013	UTA of KJ Beth Rachel Girls School
DSCN1488	8/28/2013	UTA of KJ Beth Rachel Girls School



DSCN1471.JPG



DSCN1472.JPG  
Nikon Coolpix P510





DSCN1473.JPG



DSCN1474.JPG  
Nikon Coolpix P510



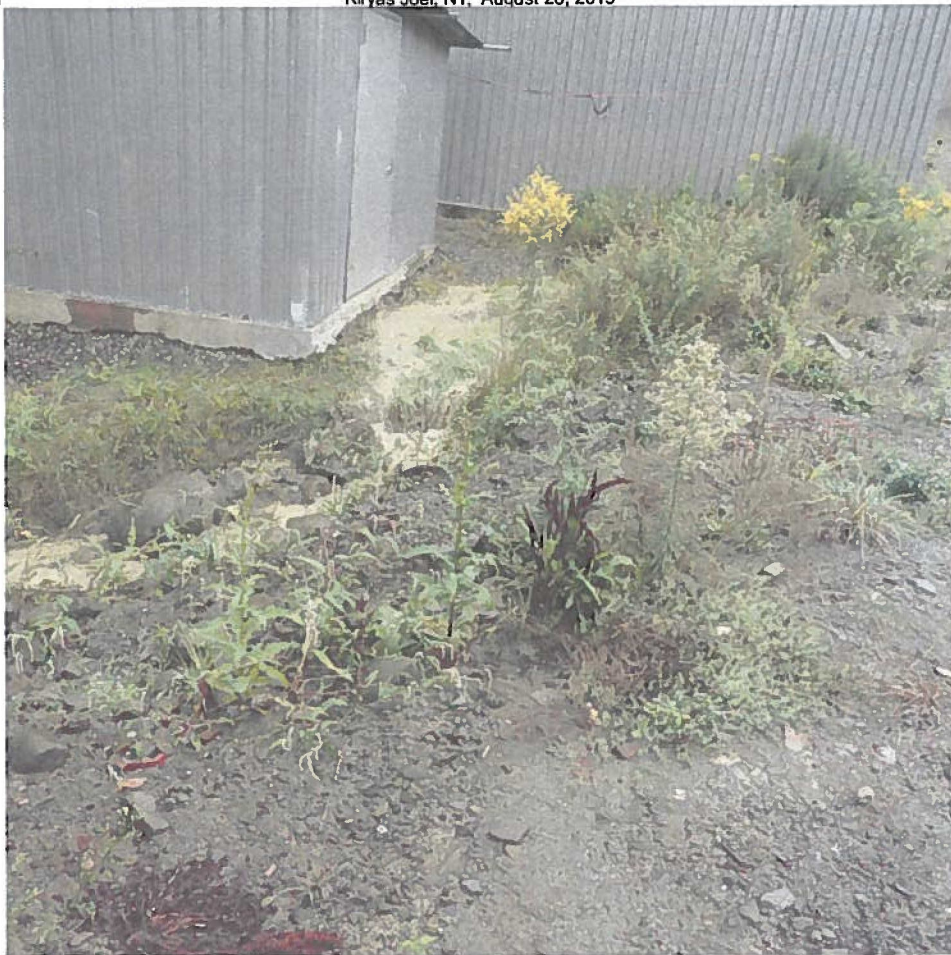


DSCN1475.JPG



DSCN1477.JPG  
Nikon Coolpix P510



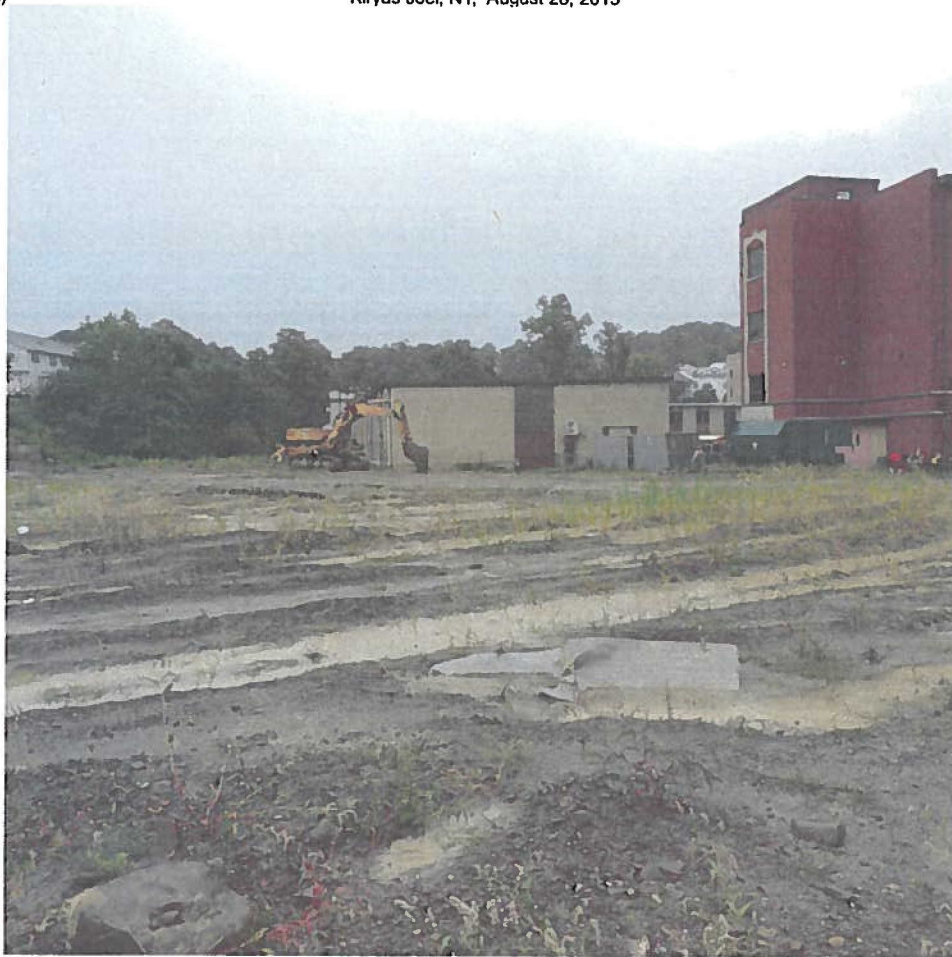


DSCN1478.JPG



DSCN1480.JPG  
Nikon Coolpix P510



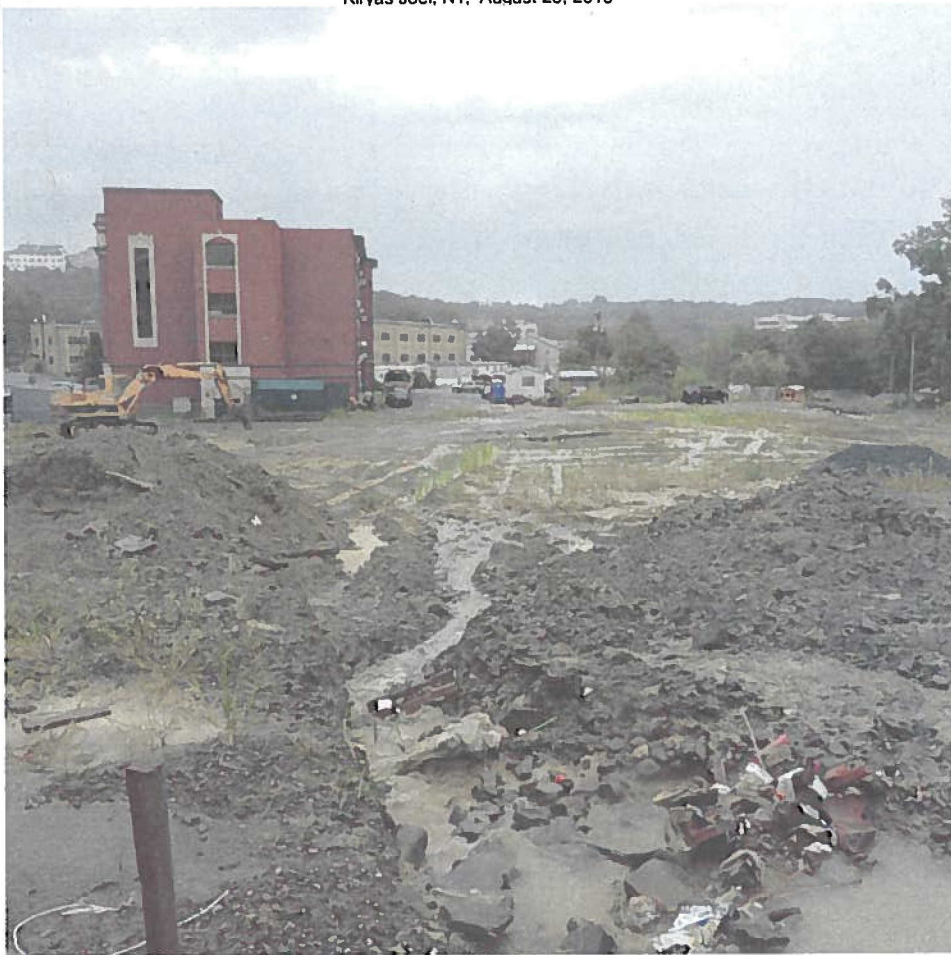


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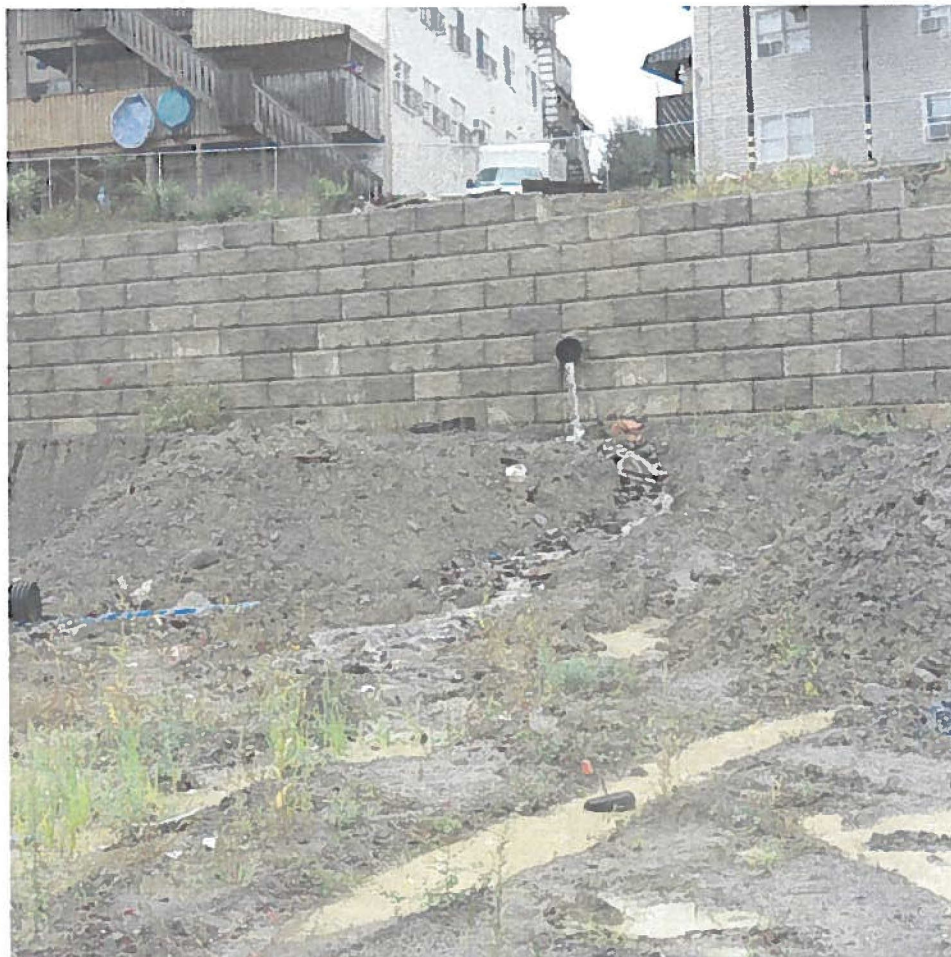


DSCN1482.JPG  
Nikon Coolpix P510



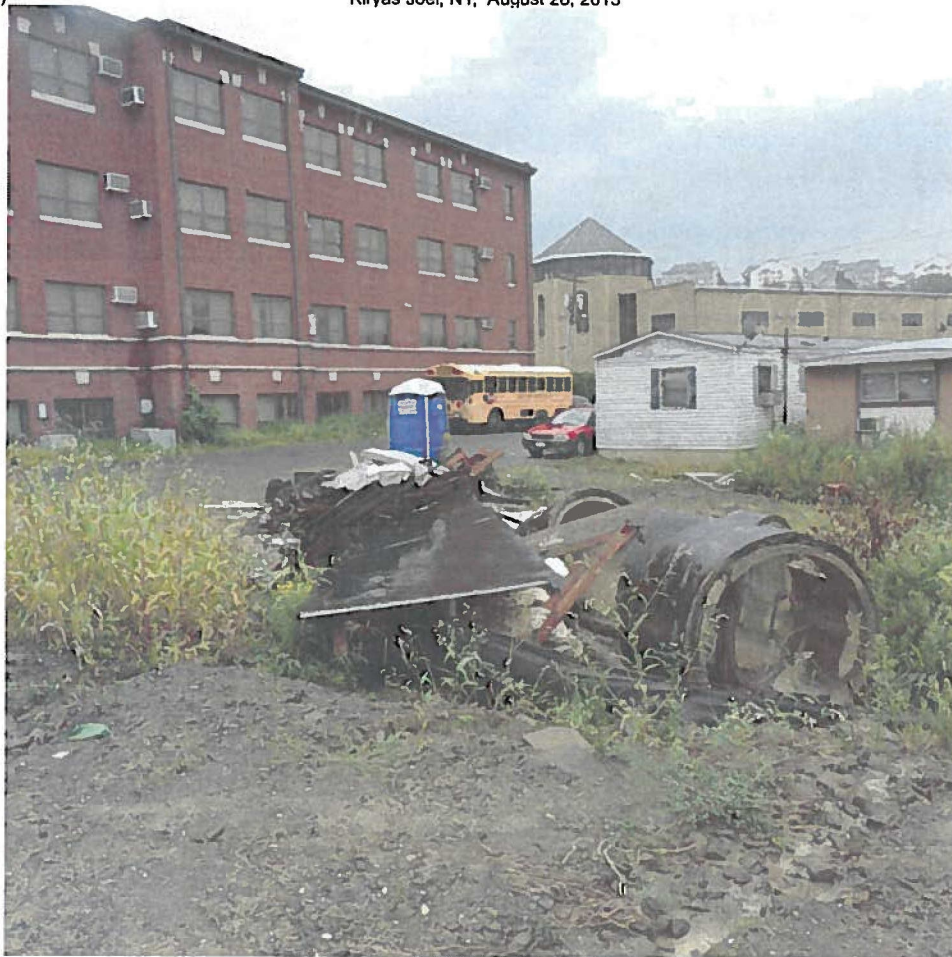


DSCN1483.JPG



DSCN1484.JPG  
Nikon Coolpix P510





DSCN1485.JPG



DSCN1486.JPG  
Nikon Coolpix P510





DSCN1487.JPG



DSCN1488.JPG  
Nikon Coolpix P510



# UTA of KJ, Beth Rachel

## Legend

-  KJGIRLOS3 03:04:50 PM
-  UTA of KJ Traced Construction site in Google Earth Pro

KJGIRLOS3 03:04:50 PM

100 ft



Google earth

© 2013 Google





VILLAGE OF KIRYAS JOEL  
334005  
Scale 1" = 100' Section No. 308

